

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

WILDEARTH GUARDIANS,

Plaintiff,

V.

CRAIG HOOVER, *et al.*,

Defendants.

No. 1:16-cv-00065 (DWM)

## FEDERAL DEFENDANTS' PRELIMINARY PRETRIAL STATEMENT

Pursuant to this Court's Order issued on May 4, 2016 (ECF No. 3), Federal Defendants provide this Preliminary Pretrial Statement.

This case challenges a federal export permit program that authorizes the export of pelts and parts from specific furbearing animals to other countries. Plaintiff alleges that the U.S. Fish and Wildlife Service program violates the National Environmental Policy Act. Plaintiff asserts that this Court has jurisdiction to review this action under the Administrative Procedure Act (“APA”). Pl.’s Compl. ¶¶ 2, 4.

Under the APA, judicial review of the agency's decision is limited to the administrative record. It is Federal Defendant's position that this case should be resolved on cross-motions for summary judgment based on the relevant administrative record. Pursuant to Fed. R. Civ. P. 26(a)(1)(B), therefore, this case should be exempt from the requirement to make initial disclosures.

DATED this 18<sup>th</sup> day of July, 2016.

Respectfully submitted,

/s/ Ruth Ann Storey

RUTH ANN STOREY

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